

**BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA**

Rulemaking on the Commission's Own Motion to Govern Open Access to Bottleneck Services and Establish A Framework for Network Architecture Development of Dominant Carrier Networks.

Rulemaking 93-04-003  
(Filed April 7, 1993)

Investigation on the Commission's Own Motion into Open Access and Network Architecture Development of Dominant Carrier Networks.

Investigation 93-04-002  
(Filed April 7, 1993)

**(Verizon UNE Phase)**

**ADMINISTRATIVE LAW JUDGE'S RULING GRANTING MOTION TO INTERVENE OF ALLEGIANCE TELECOM OF CALIFORNIA INC. AND MOTIONS FOR CONFIDENTIALITY OF VERIZON CALIFORNIA INC.**

**Motion to Intervene**

On August 5, 2002, Allegiance Telecom of California Inc. (Allegiance) filed a motion to intervene in the "Verizon Unbundled Network Element (UNE) Phase" of the above-captioned proceeding. There were no responses to the motion.

Allegiance is a facilities-based competitive local carrier and utilizes UNEs to serve customers in California. Allegiance serves end-user customers in the territory of Verizon California Inc. (Verizon). Allegiance contends it has a material stake in the prices that are established for Verizon's UNEs and that its participation will neither broaden the issues in the case, nor unduly delay the schedule because it will coordinate with other parties sharing similar interests.

Good cause having been shown, the request to intervene should be granted.

### **Motions for Confidentiality**

The following motions of Verizon to file information under seal are currently pending in this matter:

- July 31, 2002 motion to file portions of Verizon's interim pricing proposal under seal. The pages for which confidential treatment is sought contain information regarding Verizon's costs of certain Category II retail services, labor cost information, proprietary information from UNE cost proceedings in Florida, and flow-through information regarding Verizon's operation support systems. The pages identified as confidential are:

Attachment A, p. 4

Attachment 2.1

Attachment 2.2

Attachment 2.3

Attachment 4.1, p. 1

Workpaper 1.1 through 1.27, p. 1.2 - 1.19

Workpaper 1.28

Workpaper 3.2, p. 1-3

Workpaper 4.1, p. 1-7

- September 20, 2002 motion to file portions of Verizon's comments under seal. The identified pages compare Verizon's retail revenue per month to Verizon's proposed interim UNE-P charges. The pages identified as confidential are:
  - page 24 of Verizon's response
  - paragraph 27 on pages 12-13 of the Declaration of Kevin Collins and Michele Meny
  - Attachment B of the Declaration of Collins and Meny

The information described above, if revealed, would place Verizon at a competitive disadvantage because competitors would have detailed insight into Verizon's cost and profit structure. Verizon's comparison of retail revenue per

month and UNE-P rates is based on actual switching usage information that Verizon considers proprietary. The material for which confidential treatment is requested has been made available to parties pursuant to non-disclosure agreements. We have granted similar requests for confidentiality in the past and will do so here.

**IT IS RULED** that:

1. The motion to intervene filed by Allegiance Telecom of California Inc. is granted.

2. The Commission's Process Office and the parties are directed to add the following name to the service list for the "Verizon UNE Phase" of this proceeding:

Kimberly M. Kirby  
Davis Dixon Kirby LLP  
19200 Von Karman Avenue  
Suite 600  
Irvine, California 92612  
949-622-5433  
kkirby@davidson.com

3. The Commission's website posting of the service list for this proceeding shall be amended accordingly.

4. The motions of Verizon California Inc. (Verizon) listed in this order to file information under seal are granted for two years from the date of this order. During that period the information shall not be made accessible or disclosed to anyone other than the Commission staff except upon execution of an appropriate non-disclosure agreement with Verizon, or on the further order or ruling of the Commission, the Assigned Commissioner, the Assigned Administrative Law Judge (ALJ), or the ALJ then designated as Law and Motion Judge.

5. If Verizon believes that further protection of the information filed under seal is needed, it may file a motion stating the justification for further withholding of the information from public inspection, or for such other relief as

the Commission rules may then provide. This motion shall be filed no later than one month before the expiration date of today's protective order.

Dated November 12, 2002, at San Francisco, California.

/s/ DOROTHY J. DUDA

Dorothy J. Duda  
Administrative Law Judge

**CERTIFICATE OF SERVICE**

I certify that I have by mail this day served a true copy of the original attached Administrative Law Judge's Ruling Granting Motion to Intervene of Allegiance Telecom of California Inc. and Motions for Confidentiality of Verizon California Inc. on all parties of record in this proceeding or their attorneys of record.

Dated November 12, 2002, at San Francisco, California.

/s/ TERESITA C. GALLARDO  
Teresita C. Gallardo

**N O T I C E**

Parties should notify the Process Office, Public Utilities Commission, 505 Van Ness Avenue, Room 2000, San Francisco, CA 94102, of any change of address to insure that they continue to receive documents. You must indicate the proceeding number on the service list on which your name appears.

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If specialized accommodations for the disabled are needed, e.g., sign language interpreters, those making the arrangements must call the Public Advisor at (415) 703-2074,

R.93-04-003, I.93-04-002 DOT/tcg

TTY 1-866-836-7825 or (415) 703-5282 at least three working days in advance of the event.